

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

FISCAL YEAR 2013-2014 BUDGET HEARINGS – TO BE HELD IN THE COUNCIL CHAMBERS (SUBJECT TO CHANGE)

Please Note: Department budgets will generally be considered as listed below starting with the initial public hearing and continuing until council adopts the budget. Members of the public will be allowed to address the Council regarding the budget and will be allowed two (2) minutes. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date and time listed.

June 10-	10:00 A.M.	Personnel; Finance; General City Purpose; Fire; Information Services
June 11-	8:30 A.M.	PARCS; FYI; Convention Center; Police; FAX; Public Works; Public Utilities
June 12-	8:30 A.M.	Mayor-Budget Presentation; General Fund Overview; Mayor/CMO; City Council; DARM ; CDBG; HOME; NSP, ESG; City Clerk, City Attorney
June 13-	8:30 A.M.	Council Meeting-No Budget Hearings
June 14-	10:00 A.M.	Budget Overflow; All Requests/Questions to Administration
June 17-	8:30 A.M.	Administration to Respond to all Council Questions by this Date
June 18-	8:30 A.M.	Final motions by Council; Council vote on Motions
June 19-	8:30 A.M.	Budget Overflow; Final Motions; Council vote on Motions
June 20-	1:30 P.M.	Council Meeting-No Budget Hearings
June 21-	8:30 A.M.	Budget Overflow; Council vote on Motions
June 28-	8:30 A.M.	Final Day to Approve Budget
June 30-	8:30 A.M.	Balance Budget Required by Charter

June 13, 2013

8:30 A.M. ROLL CALL

Invocation by a Representative from New Covenant Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of a check by PG&E donating funds to the City of Fresno Cooling Centers – Council President Xiong - Presented

June 13, 2013

*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION

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AND MAY BE AMENDED AT ANYTIME

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least **24 hours prior** to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [June 6, 2013](#)

Action Taken: Approved

Approve budget minutes of June 10 & 11, 2013

Action Taken: Laid over one week

Councilmember Reports and Comments

Action Taken: Nor reports made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. **RESOLUTION** - Claiming dormant funds resulting from trust fund closures and the transfer of undesignated balances in the amount of \$76,310.62 to the general fund – Finance Department

Action Taken: Resolution No. 2013-82 adopted

B. **RESOLUTION** - Authorizing the City to join the Statewide Community Infrastructure Program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct special assessment proceedings and levy assessments within the territory of the City of Fresno; approving form of acquisition agreement for use when applicable; and authorizing related actions – Finance Department

Action Taken: Resolution No. 2013-83 adopted

1. **CONSENT CALENDAR CONTINUED**

- C. **RESOLUTION** - Of intention to amend the Annexation Map No. 14 for Final Tract Map No. 5232 of the City of Fresno Community Facilities District No. 11 (**Property located in District 5**) (northwest of the intersection of E. Kings Canyon Road and N. Fowler Avenue) – Public Works Department
Action Taken: Resolution No. 2013-84 adopted
- D. **RESOLUTION** - Of intention to annex Final Tract Map No. 5932, Annexation No. 49, to City of Fresno Community Facilities District No. 11 (**Property located in District 5**) (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue) – Public Works Department
Action Taken: Resolution No. 2013-85 adopted
- E. Approve a substitution of subcontractor for the Runway 11L/29R Extension (RSA Compliance) project at Fresno Yosemite International Airport – Airports Department
Action Taken: Approved
- F. Authorize the Chief of Police to enter into an agreement with the Fresno County to reimburse the City of Fresno \$151,277.00 for the cost of one (1) full time Fresno Police Officer assigned to the Fresno County Adult Compliance Team (ACT) – Police Department
Action Taken: Authorized
- G. Actions pertaining to construction of the intersection signalization at the intersection of Bullard and Cecelia Avenues (**Property located in District 2**) – Public Works Department
1. Adopt Finding of a Categorical Exemption per staff determination, pursuant to Class 1 Section 15301 (existing facilities) of the CEQA Guidelines for the construction of the intersection signalization at the intersection of Bullard and Cecelia Avenues
Action Taken: Adopted
 2. Award a construction contract with A-C Electric Company of Fresno in the amount of \$262,201 for the intersection signalization at the intersection of Bullard and Cecelia Avenues and authorize the Public Works Director, or his designee, to sign the standardized contract on the City's behalf
Action Taken: Awarded
- H. Reject all bids for the McKinley Avenue Intersection Improvements at Marks and Hughes Avenues (**Property located in District 3**) – Public Works Department
Action Taken: Rejected

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. Actions pertaining to the sewer replacement and rehabilitation in Ashlan Avenue (**Property located in Districts 1, 7 and parts of Fresno County**) – Department of Public Utilities
1. Adopt a finding of Categorical Exemptions of Class 1 and 4, pursuant to Section 15301(b) (existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services) and Section 15304(f) (minor trenching and backfilling where the surface is restored) of the California Environmental Quality Act Guidelines
Action Taken: Adopted
 2. Award a \$5,373,730 contract to Mountain Cascade Inc., of Livermore, California
Action Taken: Awarded
 3. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City
Action Taken: Authorized
- B. Approve professional consultant services agreement with Carollo Engineers Incorporated for \$9,991,000 for the design of the City of Fresno's 80-million gallon per day Southeast Surface Water Treatment Facility and authorize the Director of Public Utilities or his designee to sign the agreement on behalf of the City – Department of Public Utilities
Action Taken: Approved

2. **GENERAL ADMINISTRATION CONTINUED**

- C. Award a contract in the amount of \$675,331.25 to Roadrunner Drilling & Pump Company, Inc., for the drilling and development of two (2) production wells at Pump Station 58A, located at 3125 E. Simpson Avenue (**Property located in District 7**) – Department of Public Utilities
Action Taken: Awarded
- D. Actions pertaining to the new manhole access sewer structures (**Property located in Districts 1, 2, 3, 4 and 7**) – Department of Public Utilities
1. Consent to West Valley Construction Company Inc., request for relief from their bid in the amount of \$100,120.31 for the new manhole access sewer structures
Action Taken: Approved
 2. Adopt a Finding of Class 3 and 4 Categorical Exemptions pursuant to Sections 15303(d) (new construction or conversion of small structures) and 15304(f) (minor alterations to land) of the California Environmental Quality Act Guidelines
Action Taken: Adopted
 3. Award a \$225,430.00 contract to Floyd Johnston Construction Company, Inc., of Clovis, California
Action Taken: Awarded
 4. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City
Action Taken: Authorized
- E. Award a contract in the amount of \$470,161 to Roadrunner Drilling & Pump Company, Inc., for the drilling and development of a production well at Pump Station 52A located at 3758 N. Ninth Street (**Property located in District 4**) – Department of Public Utilities
Action Taken: Awarded
- F. **RESOLUTION** – Pursuant to Article VI of the City of Fresno Reserve Management Act and Article IV of the Taxpayer Protection Act, providing for loans to the general fund of accumulated interest earnings contained in the DBCP Recovery Fund and the Commercial Solid Waste Fund – Finance Department
Action Taken: Resolution No. 2013-82 adopted, as amended
- G. Reject all proposals for weed abatement and nuisance abatement contractor – Development and Resource Management Department
Action Taken: Rejected

3. **CITY COUNCIL**

4. **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. Catherine Garvey, et al. v. City of Fresno; Fresno County Superior Court Case No. 11 CECG02659
 2. Jesse Maldonado, et al. v. City of Fresno, et al. Fresno Superior Court Case No. 12CECG03742JH
 3. Pamela Matthews v. City of Fresno, et al.; Superior Court Case No. 12 CE CG 00842
 4. City of Fresno v. County of Fresno; Board of Supervisors of County of Fresno; Real Party in Interest Bigelow Silkwood Friant Ranch L.P.; Friant Ranch L.P.; Friant Ranch No. 2 L.P.; Whispering Springs LLC; Friant Station Inc.; Martin & Associates, LLC; Depot Development Inc.; Fresno County Superior Court Case No.: 11CECG00706 (Consolidated with Fresno County Superior Court Case Nos. 11CECG00709 and 11CECG00726)
 5. City of Fresno v. Fresno County Local Agency Formation Commission (LAFCO) and Real Party in Interest, Friant Ranch L.P., Friant Ranch No. 2, L.P., Whispering Springs LLC; Friant Station Inc.; Depot Development, Inc.; County of Fresno, Board of Supervisors of the County of Fresno; Fresno County Waterworks, District No. 18; Fresno County Superior Court Case No. 11CECG03812
 6. City of Fresno v. Fresno County Local Agency Formation Commission; and Real Parties in Interest Waterworks District No. 18; Friant Ranch L.P.; Friant Ranch No. 2 L.P.; Whispering Springs LLC; Friant Station Inc.; Depot Development, Inc.; Fresno County Superior Court Case No. 13CECG00392
- Action Taken:** Held
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (d)(2)
- Significant Exposure to Litigation:**
1. Fresno Art Museum
- Action Taken:** Held
- C. CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6
- City Negotiator(s):** Bruce Rudd, Ken Phillips
- Employee Organizations:**
1. IUOE, Stationary Engineers, Local 39 (L39)
 2. Fresno Police Officers Association (FPOA Basic)
 3. Fresno Police Officers Association (FPOA Management)
 4. City of Fresno Management Employees Association (CFMEA)
- Action Taken:** Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:45 A.M. **WORKSHOP** regarding request for service and ordinances of Code Enforcement – Councilmember Quintero – Removed from the agenda
- 11:00 A.M. **WORKSHOP** to provide an overview of the Fulton Mall reconstruction project — Development and Resource Management and Public Works Departments - **Held**

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

June 20 -	1:30 P.M.	MEETING
June 20 -	1:45 P.M.	WORKSHOP by Granville Homes relating to Prosperity Council Workshop – Acting President Brandau
June 20 -	2:00 P.M.	Discuss process relating to Proposition 218
June 27 -	10:00 A.M.	HEARING re: Rezone Application No. R-09-012, Conditional Use Permit No. C-09-161, filed by DeWayne Zinkin
July 4 -		COUNCIL VACATION
July 11 -		COUNCIL VACATION
July 18 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 5 (Final Parcel Map No. 2011-10) (Property located in District 1) (east side of N. Brawley Avenue between W. Gettysburg and Ashlan Avenues)
July 18 -	10:15 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) (Property located in District 5) (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue) – Public Works Department
July 18 -	10:30 A.M.	HEARING re: Rezone Application No. R-13-004, filed by Bradley Stienberger
July 25 -	10:00 A.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 50 (Final Tract Map No. 5599) (Council District 1) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue)
Aug. 1 -		COUNCIL VACATION
Aug. 8 -		COUNCIL VACATION
Aug. 15 -	5:00 P.M.	HEARING re: Proposition 218

UPCOMING EMPLOYEE CEREMONIES

Aug. 15 -	1:30 P.M.	Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (Reception immediately following - 2nd floor foyer)
Oct. 23 - (Weds.)	2:00 P.M.	Employee Service Awards Ceremony (Reception immediately following - 2nd floor foyer)